

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ROBERT THOMAS IRVIN )  
v. ) NO. 3-13-0994  
THE CITY OF CLARKSVILLE ) JUDGE CAMPBELL  
POLICE DEPARTMENT, et al. )

## ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 36) and “An Appeal” filed by Plaintiff Irvin (Docket No. 39).

Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(3) and Local Rule 72.03(b)(3), the Court has reviewed *de novo* the Report and Recommendation, the document filed by Plaintiff, and the file. To the extent Plaintiff's "Appeal" constitutes Objections to the Report and Recommendation, those Objections are overruled, and the Report and Recommendation is adopted and approved. Accordingly, Defendant's Motion for Summary Judgment (Docket No. 16) is GRANTED, Plaintiff's Motion for Summary Judgment (Docket No. 23) is DENIED, and this action is DISMISSED. This Order shall constitute final judgment in this case pursuant to Fed. R. Civ. P. 58.

The Clerk shall docket Plaintiff's document titled "An Appeal" (Docket No. 39) as a Notice of Appeal of this Order to the Sixth Circuit Court of Appeals because it could be construed as such. Any appeal of this Order, however, would not be taken in good faith. 28 U.S.C. § 1915(a)(3). Therefore, the Plaintiff is not certified to pursue an appeal in forma pauperis. Id.

IT IS SO ORDERED.

Todd Campbell  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE